

MINUTES OF THE PLANNING COMMISSION MEETING HELD ON MARCH 1, 2006,  
AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER.

**Members Present:** Tom Bowen, Jerri Harwell, Sue Ryser, Geoff Armstrong, Jim Keane, Amy Rosevear, Gordon Nicholl, Doug Haymore

**Members Excused:** JoAnn Frost

**Staff Present:** Planning Manager Michael Black, Community Development Director Kevin Smith, City Attorney Shane Topham, City Engineer Brad Gilson, Deputy City Recorder Sherry McConkey

**Others Present:** Sylvia Anderson, Steve Hopkins, Joe Scott, E.L. Nelson, Peter Brunjes, Jim Smuin, Stacey Mayberry, Connie Miner, Blake Court, Richard G, Jerry Peterson, B. Evans, Gary & Jill Magee, Scott Halladay, Scott Latimer, David Thayne, Glenn Parker, Garry Kershaw

**1. Public Comment**

No public comment was given.

**Chair Bowen opened the public hearing.**

**2. Public Hearing – Old Mill IV**

Mr. Black explained that Beckstrand and Associates has requested a Conditional Use Permit for the development of approximately 2.7 acres in the Old Mill Corporate Center. Beckstrand and Associates is requesting a 100,000 square foot office building with parking structure. The Architectural Review Commission reviewed this project and asked the developer to bring back some vignettes to gain a better understanding of the project which the developer has tonight. Mr. Black explained that landscaping has been addressed and the developer has come up with good arrangements of greenery and shrubs.

Mr. Black reviewed the modifications made to the conditions listed in the staff report dated March 1, 2006:

Condition # 4 would be amended to state just one light be required on the northern entrance off 3000 East in to the Old Mill development and would be a light with a pedestrian arm and traffic arm for lighting, as per City standards in the gateway zone.

Condition # 5 required the developer to include a vehicle bridge over Little Cottonwood Creek. This condition has been removed.

Condition# 11 would contain the addition that the vinyl coated chain link fence would extend from the southern boundary of the Old Mill IV property north to 6200 South.

Condition # 12 will be added to state that non reflective glass will be required on the Old Mill IV building to alleviate any reflection onto I-215.

Staff recommended that the proposed request for a Conditional Use permit be granted based on the following staff findings and listed conditions:

Mr. Black reviewed the following findings:

- 1.) The proposed use, at the proposed location, is necessary or desirable to provide a service or facility which will contribute to the general well-being of the property owner and his tenants; and
- 2.) The proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, if the listed conditions are met; and
- 3.) The proposed use will comply with the regulations and conditions specified in this title for such use.
- 4.) The application complies with the provisions governing the proposed development in the ORD zone as found in Chapter 19.46 of the Cottonwood Heights Municipal Code (the "Code").
- 5.) The Fire Marshall has stated that the expansion is within the parameter of the fire code.

Steve Peterson, 7902 Majestic Ridge Road, inquired about traffic studies and if they had been done and if there is a plan in place to address improvements to the roads both long term and short term.

Mr. Gilson explained that a thorough traffic study had been completed by A-Trans, Dr. Joe Perrin. The study evaluated the impact caused by Old Mill IV on 3000 East, 6200 South and access onto I-215. Mr. Gilson stated that there are improvements required along 3000 East both as part of the impact of this development and future developments and that some of these have been addressed in the City's Capitol Facilities Plan.

**Conditions:**

- 1.) The applicant shall pay the difference of the conditional use application fee and the site plan application fee which was submitted with the original application.
- 2.) The developer shall post a 100% landscaping and public improvement bond before any building permit will be issued.
- 3.) The developer shall comply with all regulations contained in the pending Gateway Design Guidelines ordinance, including the standards, guidelines, and conditions of the Architecture Review Commission ("ARC").
- 4.) One light will be required on the northern entrance off 3000 East into the Old Mill development with pedestrian arm and traffic arm.
- 5.) The developer shall meet all conditions of the City Engineer and City Fire Official.
- 6.) The developer shall provide car-pool parking at a rate of 1 per 10,000 square feet of gross floor area close to the entrances of the three buildings serviced by the parking structure.
- 7.) The developer shall develop all onsite and offsite improvements either contained in the approved plans or referenced in this staff report.
- 8.) No outdoor storage of any material shall be permitted on site.
- 9.) A master development plan, detailing the items discussed in this staff report shall be submitted and approved by the Planning Commission.
- 10.) The developer shall be responsible to install a new vinyl coated chain link fence from the southern property line of Old Mill IV north to 6200 south as specified in the landscape section of this staff report.

- 11.) Non-reflective glass will be used on Old Mill IV building to alleviate any reflection onto I-215.

**MOTION:** Ms. Harwell moved to approve the Conditional Use permit subject to the findings and conditions listed in staff's conditions set forth in the staff report dated 3-1-06, with the noted changes.

Mr. Keane seconded the motion and asked Mr. Black to summarize the changes in conditions.

Mr. Black summarized the changes to conditions that non-reflected glass would be required to become standard with the rest of the development so that it would not interfere with traffic on I-215, a vinyl coated chain link fence be required at the south end of Old Mill IV project property which would extend north to 6200 South, and a street light will be installed at the north entrance to Old Mill Corporate center off of 3000 East, and that any reference to the bridge is removed from the conditions.

**AMENDED MOTION:** Mr. Nicholl moved to amend the motion to include the amendments made to conditions 4, 5, 11, and 12 as shown in the staff report dated March 01, 2006, be approved. With the exceptions that (1) Condition # 5 is removed, (2) fire department recommendations are included, (3) that non-reflective glass is to be used, (4) # 4 be amended to show one street light, and (5) that the fence be built as staff has recommended.

Ms. Harwell accepted the motion as amended.

Mr. Keane seconded the motion.

Chair Bowen asked Steve Hopkins, Beckstrand and Associates, if he agreed with the proposed changes and with staffs' recommendations.

Mr. Hopkins stated that he agreed with all the conditions as stated in the staff report dated March 01, 2006, and with the changes that have been made at this meeting.

Motion passed unanimously on voice vote.

**3. Review Item – General Plan**

Mr. Black explained that this is the second time the Planning Commission has discussed the General Plan Amendment and wanted the public to be aware that this is a general review and not specific to any area. Mr. Black suggested that the Planning Commission take some time to review the letters received regarding the general plan and take public comment from the people in attendance. The Planning Commission will come back in two weeks to address the items brought up at this meeting.

Chair Bowen explained that the General Plan was put together in the early part of 2005 and in the process of putting it together they have found some areas that have possibly been improperly designated on the plan. Chair Bowen explained that now the Planning Commission and staff are in the process of taking a look at these areas and seeing if the General Plan needs to be amended.

Dave Thayne, 7035 S. Town Crest Drive, said his property is behind the Tooth Doctor and he would like the General Plan changed to designate this area as Commercial. Mr. Thayne has submitted application to the Planning Department to ask for the change.

Joe Scott, 7734 S. Brighton Way, asked about property located at 3000 East and Bengal Blvd. Mr. Scott would like the General Plan changed from R-1-8 to R-2-8. Mr. Scott has submitted letters from the neighbors to show the majority of neighbors agree with the suggested change.

Stacy Mayberry, 7958 S. Meyer Vista Cove, asked about the abandoned property located at 7921 Highland Drive. This property is currently zoned residential. Ms. Mayberry is opposed to changing the zoning designation on this property because it would affect the overall look of the neighborhood and will intrude on the natural habitat.

Lyn Nielsen owns the property at 7921 Highland Drive and has applied for a zone change to Family Commercial so they can have wedding receptions. Ms. Nielsen explained that they are surrounded by other small businesses and believes this property should be rezoned. She would welcome anyone interested to come and see the changes that they are suggesting and see what a difference it would make.

Chair Bowen explained that if the general plan gets changed the next step would be to apply for a zone change.

Bruce Evans, 1986 Farm Circle, would like a change in the general plan for the corner of Highland and Creek Road. Mr. Evans stated that the current zoning classification is Neighborhood Commercial and that this classification is not conducive to the neighborhood. Mr. Evans stated that the property values are being affected based on this classification. He would like a zone change to reflect smaller based businesses and not big box.

Sylvia Andersen, Coldwell Banker and Associates, Northeast Corner Creek Road and has been speaking with the Shells who own the property. The Shells would like to see the property zoned Mixed Development. The Shells have submitted letters and petitions to the City in support of the zone change.

Garry Kershaw, 8052 Highland Drive, wanted to make sure the commission had received a letter from a Dennis R. Merrill, Attorney that was sent on behalf of the Shells. Mr. Kershaw is in support of changing the zoning to a Mixed Development.

Scott Latimer, 7997 Hunters Meadow Circle, referenced the June minutes from the Planning Commission that noted the Shells wanting no restrictions of the property and is concerned that the restrictions would not be strict enough. Mr. Latimer does not like the Neighborhood Commercial zone because it is too broad. Mr. Latimer noted that he had recently met with the homeowners in the Forest Bend area and stated the majority of them are opposed to Neighborhood Commercial.

#### **4. Other Business**

Chair Bowen mentioned that the Planning Commission should consider a moratorium on zone change applications soon due to some errors that had been made on the General Plan.

**MOTION:** Ms. Harwell moved that the City Council consider issuing an appropriate moratorium on zone changes while the General Plan is being reviewed.

Mr. Armstrong seconded the motion.

Roll Call vote was taken with Chair Bowen voting in favor and Mr. Haymore, Ms. Ryser, Ms. Harwell, Mr. Nicholl, and Mr. Armstrong voting opposed.

**MOTION:** Mr. Haymore moved to have the City Attorney, Shane Topham, review the comments that have been made regarding the conditional use section and give the Planning Commission some guidance on whether they are accurate.

Ms. Ryser seconded the motion and the motion passed unanimously on voice vote.

**5. Planning Managers Report**

Mr. Black gave an update on the Gateway Design Guidelines and showed a sample of the monument sign that will be used for the City.

Mr. Haymore asked if it would be possible to speak to the company and see if the addresses of homes could be added to the small version of the monument sign so that residence could use it at their homes.

Mr. Keane mentioned a difference between the mountains on the City log and the monument sign and would like to see the same mountain used on both.

Mr. Black showed an example of a bus shelter that is being designed for the City and took comments from the Planning Commission.

**6. Adjourn**

Ms. Harwell moved to adjourn at 7:30pm. Motion was seconded by Mr. Keane and passed unanimously on voice vote.

Approved: April 5, 2006 sm